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Attorneys for Del and Ernestine Bunch

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered under
Case No. BK-S-06-10725-LBR

DECLARATION OF VICTORIA L.
NELSON IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER
SHORTENING TIME FOR HEARING ON
MOTION FOR ORDER TEMPORARILY
ALLOWING THE CLAIM OF DEL AND
ERNESTINE BUNCH FOR VOTING
PURPOSES

Date of Hearing: OST Pending
Time of Hearing: OST Pending
Place: Courtroom No. 3, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Hon. Linda B. Riegler

I, Victoria L. Nelson, Esq., under oath and under penalty of perjury say:

1. I am an attorney duly licensed to practice law in the State of Nevada.

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2. I am a shareholder with the law firm of Santoro, Driggs, Walch, Kearney, Johnson & Thompson (the “Santoro Firm”), attorneys for Del and Ernestine Bunch (“Unsecured Creditors”), Unsecured Creditors in the above-captioned proceeding.

3. I have personal knowledge of the facts set forth herein.

4. I make this Declaration in Support of the Ex Parte Application for Order Shortening Time to Hear Motion for Order Temporarily Allowing the Claim of Del and Ernestine Bunch for Voting Purposes (“Application”).

5. On November 8, 2006, Bunch timely filed a proof of claim (the “Bunch Claim”).

6. The Bunch Claim was filed as an unsecured nonpriority claim.

7. Bunch is scheduled under the Debtor’s Third Amended Joint Chapter 11 Plan of Reorganization as a Class A-4 General Unsecured Claim Against USACM.

8. With a claim of \$11,358,662.28, Bunch is the largest unsecured creditor in Class A-4.

9. On December 4, 2006, Bunch submitted a ballot rejecting the Debtors’ Third Amended Joint Chapter 11 Plan of Reorganization (the “Plan”).

10. On December 11, 2006, USACM filed its Objection to Proof of Claim No. 1099 Filed by Del and Ernestine Bunch (the “Bunch Objection”) seeking to disallow the Bunch Claim in its entirety.

11. Notice of hearing on the Bunch Objection was served on Bunch on December 12, 2006, via first class mail.


12. Hearing on confirmation of the Debtor’s Plan (the “Confirmation Hearing”) is scheduled for December 19, 2006.

13. The Bunch Objection will not be adjudicated before the Confirmation Hearing resulting in the disregard of the Bunch ballot rejecting the Plan.

14. Unsecured Creditors’ Motion for Order Allowing the Claim of Del and Ernestine Bunch for Voting Purposes (“Motion”) needs to be heard on shortened time.

15. Unsecured Creditors seek the Court’s approval of the Motion to allow their claim for voting purposes on shortened time.

DATED this 15th day of December, 2006.


VICTORIA L. NELSON, ESQ.